



H.R. 719 -- Keeping the Internet Devoid of Sexual Predators Act of 2007

FLOOR SITUATION

H.R. 719 is being considered on the House floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Earl Pomeroy (D-ND) on January 30, 2007. The bill was referred to the House Judiciary Committee, but was never considered.

H.R. 719 is expected to be considered on the House floor on November 13, 2007.

Note: Senator Charles Schumer (D-NY) has introduced similar legislation (S. 431), which has been referred to the Senate Judiciary Committee.

BACKGROUND

According to the National Center for Missing and Exploited Children, one in seven children experience a sexual solicitation or approach while online.

Among many laws seeking to protect the public, especially children, from sex offenders, the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) expanded the registration requirements of sex offenders. Furthermore, the bill required the establishment of a national database for the public, known as the Dru Sjodin National Sex Offender Public Website. The website can be found at: www.nsopr.gov

Under current law, a sex offender (including a juvenile) has to register (in each jurisdiction the offender resides, attends school or is employed) prior to completion of a prison sentence or three days after sentencing if the offender is not sentenced to prison. Additionally, the offender must appear in person to report a change in name, residence, employment or student status within three days of the change. That information is required to be transmitted to any other jurisdiction the offender is required to register.

Additionally, a three tier system has been developed (through the Adam Walsh Protection and Safety Act), which determines the level of danger the offender poses to the public.

Tier I Sex Offender: required to register as a sex offender for 15 years

Tier II Sex Offender: required to register as a sex offender for 25 years

Tier III Sex Offender: required to register as a sex offender for life

According to the Congressional Research Service (CRS), offenders are required to provide the following information when registering as a sex offender:

- name (or any alias used);
- social security number;
- address where sex offender resides or will reside;
- address where sex offender is employed or will be employed;
- address where sex offender is a student or will become a student;
- license plate number and a description of any vehicle owned or operated by the sex offender; and
- any other information required by the Attorney General.

Additionally, registries are required to include: a physical description of the sex offender; text of the provision of law that defines the criminal offense for which the sex offender is registered; criminal history; fingerprints, palm prints, and current photograph; DNA sample; a copy of a valid driver's license or identification card upon release of a sex offender from prison; and any other information the Attorney General requires.

Any person that fails to register as a sex offender (but is required to do so) is subject to a maximum prison term of one year.

SUMMARY

Registry Requirements

H.R. 719 requires that, in addition to existing registry requirements, sex offenders must include any electronic mail address, instant message address, or other similar Internet identifier the sex offender used or will use to communicate over the Internet. The offender must also update his or her information prior to use of a new email or instant message address.

Any person required to register that does not provide this information will be subject to fines and up to ten years in prison.

Social Networking Sites

The bill requires the Attorney General to maintain a system allowing a commercial social networking website to compare the database of registered users of that commercial social networking website to the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry. Prior to approval by the Attorney General, the networking site is required to provide

general information (such as name and location of the site) and certification that the information will only be used for comparison with the registry and will not be disclosed.

The Attorney General may require a fee for use of the registry by social networking sites.

The bill provides liability protections for social networking sites that use the registry appropriately for screening users or to compare their list of users with the registry.

Age Misrepresentation

The bill also creates a penalty (in addition to penalties imposed within the jurisdiction) of fines and up to 20 years in prison for any person 18 years or older who knowingly misrepresents their age with the intent to use the Internet to engage in criminal sexual conduct involving a minor, or to facilitate or attempt such conduct.

COST

At the time of publication the Congressional Budget Office (CBO) had not yet scored this legislation.

STAFF CONTACT

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